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C O N F I D E N T I A L SECTION 01 OF 02 BUCHAREST 000986

SIPDIS

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TAGS: [PREL](#) [MARR](#) [MOPS](#) [IZ](#) [RO](#) [ES](#) [AS](#) [EN](#) [UK](#)  
SUBJECT: IRAQI CONTINUED PRESENCE LEGISLATION IS  
INSUFFICIENT

REF: BAGHDAD 03940

Classified By: Charge d'affaires, a.i. Jeri Guthrie-Corn; Reasons 1.4(b)  
) and (d).

11. (C) In a blunt conversation with POLMILOFF, MFA Director General Anca Mantulescu on 12/17 expressed extreme frustration with the lack of support from the U.S. regarding helping Romania to meet conditions that would continue its force presence in Iraq. When POLMILOFF asked whether the MFA had a copy of the Continued Presence Legislation that recently passed the Iraqi Council of Ministers, she said that the GOR had received a copy of the draft from another source two days prior to receiving it from the Romanian Embassy in Washington. She said the MOD has determined that the draft language provided insufficient legal coverage for Romanian troops in Iraq. She highlighted Article 4, and particularly the ambiguity of the phrase concerning Romanian forces "...shall be subject to the jurisdiction of Iraq, with the exception of crimes committed by them while on duty which are not committed with intent." The idea that any action -- including an excepted one -- could be automatically classifiable as a crime (even one without intent) poses difficulties; the MOD does not believe the legislation provides sufficient coverage for the right to self-defense in the same way it is spelled out in the U.S. SOFA. Once this draft becomes Iraqi law, she speculated, there may be few interpretative options available.

12. (C) Mantulescu noted that it was for this very reason that Romania had sought a more coordinated approach by the coalition partners following the approval of the U.S. SOFA, but it was clear that the U.S. had decided that the coalition partners would need to find their own route. This frustration was furthermore exacerbated by the U.S. telling coalition partners not/not to engage the Iraqis in advance of the conclusion of the U.S. SOFA, she pointed out. "My credibility within the Ministry is hanging by a thin thread which means your (USG) credibility is at an historical low on this issue," she revealed. Non-USG contacts have so far been more responsive, but that was not what the GOR was hoping for, she added.

13. (C) She noted that Romania's frustrations with the Iraqis were a separate issue; Romania had asked the Iraqis to meet in Bucharest to discuss the SOFA weeks ago but failed to receive a positive response. Mantulescu explained that because Romania's Embassy in Baghdad is not in the Green Zone, logistics and transportation issues are problematic, adding, "we told the Iraqis that we were prepared to send a team to Baghdad, however, without support for accommodations that would be difficult for us; but we were and are still

willing to do that!" The problem was that Romania had received mixed signals regarding U.S. support for the visiting Estonian delegations (in Baghdad), and were hoping the U.S. would be able to make similar logistic arrangements for Romania to facilitate negotiations with the Iraqis -- which are difficult enough, she elaborated. She explained that the Hotel Rashid where the Estonians were apparently staying was not accepting reservations for the time-frame required to reach an arrangement with the Iraqis before the clock runs out. According to Mantulescu, Romania could still use U.S. support for finding accommodations for the (8-10 person) inter-agency team from Bucharest that is prepared to negotiate with the Iraqis.

14. (C) Comment: Mission very much appreciates Embassy Baghdad forwarding the draft text and making its recommendation to the Department (reftel), but as noted above the Romanians have simpler needs: accommodations and transportation in Baghdad. Furthermore, we understand and appreciate that the ball is in the Iraqis' court, and that Embassy Baghdad does not have the capacity to provide logistics support to the Romanians to help them work out the problems with the draft legislation. The MFA insists that its embassy in Baghdad is not in a position to do this on its own. Nonetheless, Embassy Baghdad might be in the best position to help identify options for the Romanians, and to facilitate a visit/negotiations that we assume are in our own national interest. The MFA believes that they were led down the very path that they anxiously tried to avoid, beginning last year, and became increasingly (and exponentially) concerned about (as reported consistently by Embassy

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Bucharest) in the months leading up to now. Anything that would help us redeem our credibility -- to borrow DG Mantulescu's phrasing -- would be much appreciated and would probably redeem some modicum of political credit with the new, incoming Romanian Government that is fully expected to be in place by 22 December. End Comment.  
GUTHRIE-CORN